

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG DIVISION**

**BRENDA A. BOSELY, et al.,**

**Plaintiffs,**

**v.**

**Civil Action No. 3: 07-CV-142**

**COLONEL D.L. LEMMON, et al.,**

**Defendants.**

**DEFENDANTS COLONEL D.L. LEMMON'S AND  
CORPORAL JAMES M. MILLS' DISCLOSURES PURSUANT  
TO RULE 26(a)(3) FEDERAL RULES OF CIVIL PROCEDURE**

Come Now the Defendants, Colonel D.L. Lemmon and Corporal James M. Mills ("State Police Defendants"), by counsel, Lucien G. Lewin, Esq., Jason P. Foster, Esq., and the law firm of Steptoe & Johnson PLLC, pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, and make the following disclosures:

(A) The following individuals are identified as witnesses the Defendants expect to present at trial:

1. Officer Paul Sabin;
2. Mr. Chris Guynn;
3. The Honorable Lynn Nelson;
4. Ms. Dawn Dawson;
5. Mr. Jeffrey Fraley;
6. Sergeant J.M. Droppleman; and
7. Stephen W. Cogar.

(B) The following individuals are identified as witnesses the defendants may call at trial if the need arises:

1. Mr. Dan James, Esq; and
2. Mr. Rupert Bosley.

(C) The following witnesses may be presented by means of a deposition and a copy of the transcript of such testimony:

1. Officer Paul Sabin;
2. Mr. Chris Guynn;
3. The Honorable Lynn Nelson;
4. Ms. Dawn Dawson;
5. Mr. Jeffrey Fraley;
6. Sergeant J.M. Droppleman; and
7. Stephen W. Cogar.

(D) The Defendants expect to offer the following documents, exhibits, and compilations at trial:

1. West Virginia State Police Complaint Report for Domestic Assault dated 7/21/05;
2. West Virginia State Police Complaint Report for Telephone Harassment dated 7/22/05;
3. Criminal Complaint for violating Domestic Violence Protective Order dated 7/22/05;
4. West Virginia State Police Complaint Report (Supplemental) for Telephone Harassment dated 7/22/05;
5. West Virginia State Police Complaint Report for Suicide (self inflicted gunshot) dated 8/19/05;

6. Initial State of West Virginia Department of Public Safety Report of Investigation for Suicide-Death by self inflicted gunshot dated 8/19/05;
7. Statement of Cpl. James M. Mills given on or about 8/19/05;
8. Statement of Deputy Paul Sabin given on 8/19/05;
9. Order: for Detention, Examination, and Probable Cause Hearing dated 8/19/05;
10. Death Investigation Report and T.O.D. Examination dated 8/19/05;
11. External Examination Report dated 8/19/05;
12. Mineral County 911 Incident Report dated 8/19/05;
13. Suicide Note 1 found on dry erase board;
14. Suicide Note 2 found near photo album;
15. West Virginia State Police Incident Report dated 8/19/05;
16. Supplemental State of West Virginia Department of Public Safety Report of Investigation for Suicide-Death by self inflicted gunshot dated 4/12/06;
17. West Virginia State Police Property Disposition Report dated 10/07/05;
18. West Virginia State Police Toxicology Request dated 11/03/05;
19. State of West Virginia Office of the Chief Medical Examiner Toxicology Report dated 11/29/05;
20. Last Will and Testament of James C. Bosley;
21. Petition for Divorce from Domestic Action No. 05-D-180;
22. Death Certificate for Dr. James C. Bosley;
23. Appraisement of Estate of Dr. James C. Bosley;
24. Any photographs taken at the Bosley residence on 8/19/05 which the Court deems to be admissible.

(E) Demonstrative Exhibits including but not limited to:

1. Time Line Showing Time Frame from 9:30 to 10:30 a.m. on August 19, 2005; and
2. Floor plan for first floor of the Bosley residence.

**STATE POLICE DEFENDANTS,  
By Counsel**

s/Lucien G. Lewin  
Lucien G. Lewin, Esq. (WVSB #2195)  
Jason P. Foster, Esq. (WVSB # 10593)  
Steptoe & Johnson PLLC  
1250 Edwin Miller Blvd., Suite 300  
Martinsburg, WV 25404-3702  
Tel: (304) 262-3545  
Fax: (304) 262-3541  
Email: [lewinlg@steptoe-johnson.com](mailto:lewinlg@steptoe-johnson.com)  
Email: [jason.foster@steptoe-johnson.com](mailto:jason.foster@steptoe-johnson.com)  
*Counsel for State Police Defendants*

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of August, 2009, I electronically filed the foregoing “*Defendant Colonel D.L. Lemmon and James M. Mills’ Rule 26(a)(3) Disclosures*” with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Harry P. Waddell, Esq.  
Harry Waddell Law Office  
300 West Martin Street  
Martinsburg, WV 25401  
Tel: (304) 263-4988  
[Hwad50@aol.com](mailto:Hwad50@aol.com)

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s/Lucien G. Lewin  
Lucien G. Lewin, Esq.